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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Pax Christi International, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[23 February 1993]

VIOLATIONS OF HUMAN RIGHTS OF THE KURDS

1. Further to previous statements submitted to the Commission on Human Rights at its forty-eighth session, Pax Christi International wishes to present the following considerations and requests.

2. In October 1991, the new Turkish Government, under Mr. Demirel, promised that the Kurdish issue would be dealt with in an open and democratic way. One year later, it is found that this Government is violating the human rights of the Kurds in Turkey on a much broader scale and in a more violent way than the previous one, under a 1991 law against "terrorism" that contains an extraordinarily broad definition of "terrorism". Besides, there are strong indications that the Turkish authorities support or protect organizations perpetrating unlawful acts against Kurdish civilians (see below).

3. Legislation recently adopted by the Turkish Parliament improving certain judicial procedures, for instance with regard to arrests, is not applicable in the Kurdish provinces, which are still in a state of emergency. In line with this, the derogation of certain essential articles of the European Convention on Human Rights is still in force with regard to the Kurdish provinces.

4. The following violations of human rights are reportedly continuing on a large scale in the Kurdish provinces:

Arbitrary arrests of thousands of civilians;

Mass detention, widespread torture and extrajudicial executions;

Disappearances, which remain unclarified due to the unwillingness of the authorities to investigate the matter;

Killings of prominent Kurds, for instance of journalists, politicians, teachers, trade union leaders and intellectuals, by members of secret organizations which apparently have links with the State security and/or are protected by the latter.

Complains against these violations of human rights are reportedly disregarded and investigations officially refused.

5. During the Kurdish New Year festivities the military bombed and shelled a number of Kurdish towns and villages, causing many victims, almost exclusively among the civil population. Several townships were completely destroyed, their population fled by the thousands. Others were forcibly evicted from their properties and deported by the authorities.

6. Military operations, carried out with artillery, tanks and airplanes were repeated several times in 1992 causing numerous victims and wide-scale damage to, or even a total destruction of, inter alia Sirnak, Kulp and surrounding villages. Deportations continued on a wide scale as well. Given the regular pattern of these activities, they seem to have the aim of forcing the Kurdish population out of their habitat, as some authorities indeed have confirmed.

7. The authorities continue to hinder the publication, production and distribution of Kurdish cultural materials as books and cassette tapes are coming near to prohibition. Education in Kurdish is still not allowed; the use of Kurdish in public places continues to be prohibited.

8. The authorities continue their policy of confiscating newspapers and periodicals, of intimidating journalists and editors. As mentioned before, many Kurdish journalists and editors "disappeared" or were victims of attacks by "unknown groups".

9. The activities mentioned were stepped up remarkably during the year 1992 in view of the so-called "internal operation" which has the aim of crushing the armed Kurdish resistance in Turkey. Increasingly, it is understood however that these operations necessarily lead to wide-scale human rights violations of the civilian law population, as all persons believed to support any Kurdish party or organization are suspected of "terrorism".

10. Turkish and to a large extent also foreign media are subject to systematic disinformation with regard to the events in south-east Turkey, because of the predominance of the semi-official press agency that distributed only limited and apparently filtered news reports. Especially newspapers within Turkey that prefer to use alternative news sources are hindered and intimidated as described above. As a result public opinion and opinion leaders, including politicians are no longer aware of the extent to which human rights are being violated in Turkey.

11. Pax Christi International calls upon the members of this Commission to resolve that:

(a) A committee of inquiry into human rights violations perpetrated against the Kurdish people be established;

(b) The use of torture against all prisoners be condemned and abandoned;

(c) The indiscriminate bombing and shelling of Kurdish towns and villages be immediately terminated and that the eviction and forcible deportation of Kurds be brought to a halt;

(d) The Kurdish people be guaranteed the full enjoyment of the rights of cultural self-expression, the right to education in Kurdish, the right of organization as Kurds, the right of access to the media, full civil rights and the right of political self-determination.

12. In 1962, more than 100,000 Kurds were deprived of their Syrian citizenship. The stateless Kurds, and their children, are denied the right to possessions like land or houses, and the use of State facilities like hospitals and universities. In October 1992, the security forces arrested more than 200 Kurds, including one member of Parliament, for peacefully protesting against these discriminatory policies. Those arrested were severely tortured; some of them are still held incommunicado in prison.

13. Dr. Said Sherefkendi, the Secretary-General of the Kurdistan Democratic Party of Iran, and three other Kurds were assassinated by Iranian agents in Berlin in September 1992. His predecessor underwent the same fate in 1989. Very little is known about the human rights situation in Iran.

14. Since October 1991 the Iraqi Government is maintaining an economic blockade of the Kurdish areas, which deprives the local population of all goods and services necessary for its survival. This is in contradiction with the obligations of the Iraqi Government to its citizens under the Charter of the United Nations, as well as with United Nations Security Council resolution 688 (1991) of 5 April 1991.

15. On several occasions explosive devices were placed in the trucks, of the United Nations World Food Programme that were transporting food aid from Turkey to the Kurdish region, during the journey through Iraqi controlled areas. The attacks apparently aimed at bringing these transports to a halt.

16. Over the past year the Iraqi army has continued to intermittently shell certain Kurdish towns and villages along the cease-fire line. Last January such shellings caused the death of 10 people and an unknown number of wounded in Chamchamal, Jebari and Nawjol. Moreover, numerous car bomb attacks have been carried out in the Kurdish region, quite probably under order of the Iraqi Government. Last January, a powerful device exploded in the market of Arbil, causing the death of 12 people and wounding more than 120.

17. The houses and properties in the Kurdish areas under Government control of those who fled in the aftermath of the uprising (March 1991) have been confiscated or destroyed.

18. Throughout Iraq an estimated number of 10,000 Kurdish civilians are being detained as political prisoners. Many of them were imprisoned in the aftermath of the Iraq-Iran war, before the Gulf crisis. No information is available on their situation, their whereabouts nor on the conditions of their imprisonment.

19. Pax Christi International calls upon the members of the Commission to resolve that:

(a) The human rights violations perpetrated against the Kurdish people in the Government controlled areas of Iraq be investigated and condemned;

(b) An inquiry be made into the situation of the Kurdish citizens kept in detention in these areas;

(c) All Kurds who have been evicted from their lands be allowed to return and be adequately compensated for the loss of their properties;

(d) All acts of aggression by the Government of Iraq against the population of the Kurdish region, either by way of miliary attacks, economic blockade or intimidation, be strongly condemned;

(e) The Kurdish people throughout Iraq be guaranteed the full enjoyment of their rights as regards culture, education, self-organization and political self-determination.